

Notice of Allowability

Application No.

10/061,061

Examiner

Brian Jelinek

Applicant(s)

DOW ET AL.

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/8/2005.
2. ☒ The allowed claim(s) is/are 1,4,7,8,10,11,16,18-20,24-26 and 28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Response to Amendment

The Examiner respectfully submits a response to the amendment received on 11/8/2005 of application no. 10/061,061 filed on 1/29/2002 in which claims 1, 4, 7-8, 10-11, 16, 18-20, 24-26, and 28 are currently pending. **This application is allowed.**

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/8/2005 has been entered.

Arguments

Applicant's arguments, see page 9, paragraph 3, filed 11/8/2005, with respect to display of a percentage of memory to be made available on the display when the image data is purged have been fully considered and are persuasive. The rejection of claims 1, 11, and 20 has been withdrawn.

Terminal Disclaimer

The terminal disclaimer filed on 2/22/2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of

patent number 6,496,284 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Allowable Subject Matter

Claims 1, 4, 7-8, 10-11, 16, 18-20,24-26, and 28 are allowed.

Regarding claims 1, 11, and 20, the reason for allowance is as follows: the prior art does not disclose or fairly suggest a digital camera comprising a delete confirmation prompt including a display of a percentage of said memory to be made available on said display when said image data is purged from the memory.

Regarding claims 4, 7-8, 10, 16, 18-19, 24-26, and 28, the reason for allowance is as follows: the claims depend from an allowable independent claim.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mizuno (U.S. Pat. No. 5677843) discloses a remaining capacity and percentage of whole storage capacity by file.

Uehara (U.S. Pat. No. 5,481,303) discloses displaying the number of remaining frames or the available capacity as a percentage.


Fukushima (U.S. Pat. No. 5,576,840) discloses displaying the number of remaining pictures or the remaining capacity of the recording medium.

"Dan Gookin Teaches Windows 98" discloses a disk cleanup utility displaying the total amount of disk space gained by deletion of selected files.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Jelinek whose telephone number is (571) 272-7366. The examiner can normally be reached on M-F 9:00 am - 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached at (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Jelinek
3/10/2006


NGOC-YEN VU
SUPERVISORY PATENT EXAMINER